

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>1/5/2022</u>
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x
:

UNITED STATES OF AMERICA

- v. -

MICHAEL KEGLEY, JR.,

Defendant.

- - - - - x

: CONSENT PRELIMINARY ORDER
OF FORFEITURE/
: MONEY JUDGMENT
: S7 20 Cr. 160 (MKV)

WHEREAS, on or about July 23, 2021, MICHAEL KEGLEY, JR.
(the "defendant") was charged in a one-count Superseding
Information (the "Information"), with misbranding and adulteration
of drugs in interstate commerce, in violation of Title 21, United
States Code, Sections 331 and 333;

WHEREAS, the Information included a forfeiture
allegation as to Count One of the Information, seeking forfeiture
to the United States, pursuant to Title 21, United States Code,
Sections 334, of any and all drugs that were adulterated or
misbranded when introduced into or while in interstate commerce or
while held for sale (whether or not the first sale) after shipment
in interstate commerce, or which may not, under the provisions of
section 331(11), 344, or 355 of this title, have been introduced
into interstate commerce, including but not limited to a sum of
money in United States currency representing the value of such
property (the "Forfeitable Property");

WHEREAS, on or about July 23, 2021, the defendant pled
guilty to Count One of the Information, pursuant to a plea

agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit, pursuant to Title 21, United States Code, Sections 334 and 853, and Title 28, United States Code, Section 2461(c), a sum of money equal to \$3,310,490 in United States currency representing the value of the Forfeitable Property (the "Money Judgement");

WHEREAS, the defendant admits that, as a result of acts and/or omissions of the defendant, the Forfeitable Property cannot be located upon the exercise of due diligence;

WHEREAS, the defendant consents to the entry of the Money Judgment in the amount of \$3,310,490 in United States currency representing the value of Forfeitable Property;

WHEREAS, the Government agrees to accept a payment of \$192,615 pursuant to the terms set forth below, in full satisfaction of the Money Judgement,

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Audrey Strauss, United States Attorney, Assistant United States Attorneys Andrew C. Adams and Sarah Mortazavi, of counsel, and the defendant, and his counsel, Scott C. Cox and Michael R. Mazzoli, Esqs., that:

1. As a result of the offense charged in Count One of the Information, to which the defendant pled guilty, the Money

Judgment in the amount of \$3,310,490 in United States currency, representing the value of the Forfeitable Property shall be entered against the defendant.

2. The Money Judgment shall be deemed to be satisfied in full if the defendant remits payment of \$192,615, to the United States within or by the expiration of 24 months following the latter of i) the date of the defendant's sentencing in this matter or ii) his release from any term of incarceration imposed in this matter (the "Payment Deadline"). In the event that the defendant fails to remit a total of \$192,615 on or before the date of the Payment Deadline, the entire Money Judgement of \$3,310,490 shall be due and owing and nothing in the foregoing shall limit the United States' ability to proceed against any assets of the defendant to satisfy the Money Judgement, pursuant to Title 21, United States Code, Section 853(p).

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, shall be deemed part of the sentence of the defendant and will be included in the judgment of conviction therewith.

4. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the "United States Marshals Service",

and delivered by overnight mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

5. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and


Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.


9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:


AUDREY STRAUSS
United States Attorney for the
Southern District of New York

By: /s/ Sarah Mortazavi 7/15/2021
ANDREW C. ADAMS
SARAH MORTAZAVI
Assistant United States Attorneys
One St. Andrew's Plaza
New York, NY 10007
DATE

By:  7/14/2021
MICHAEL KEGLEY, JR.
DATE

By:  7-15-21
SCOTT C. COX, ESQ.
MICHAEL R. MAZZOLI, ESQ.
Attorneys for Defendant
DATE

SO ORDERED:

 January 5, 2022
HONORABLE MARY KAY VYSKOCIL
UNITED STATES DISTRICT JUDGE
DATE